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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,360	05/09/2001	Gopikrishna T. Kumar	10007291-1	4719

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EXAMINER

WILLIAMS, JEFFERY L

ART UNIT PAPER NUMBER

2137

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/852,360

Applicant(s)

KUMAR ET AL.

Examiner

Jeffery Williams

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 6/17/2005 have been fully considered but they are not persuasive.

In response, the examiner notes that the applicant argues primarily:

I. *The Office Actions do not establish that claims 1-5 and 10-13 are anticipated under 35 USC j102(a) by "Aziz" (US patent 6,643,701 to Aziz et al.).*

II. *The Office Action fails to establish that claims 6-9 are unpatentable under 35 USC 103(a) over Aziz in view of Sparks" (US patent number 6,167,382 to Sparks et al.).*

Regarding applicant's argument (I), the applicant alleges, *"The Examiner incorrectly asserts that "One particular session of communication, out of many sessions, may be identified by the product of the key and the encrypted communications." This assertion is incorrect because the server must first determine which of the session keys to use for decryption before it can decrypt the data it receives. As far as Aziz is understood, when Aziz's server receives encrypted data, the session key is not received along with the received data. Thus, Aziz apparently uses some other mechanism to determine the correct session key before decrypting the received data. A key by itself*

1 *does not identify anything; it is generally understood to unlock something. The*  
2 *something must be determined from some other source (e.g., a door key found in a*  
3 *parking lot does not identify the door)” (Applicant’s Remarks, 6/17/05, page 2).*

4 Therefore, Aziz’s session keys are not shown to correspond to the claimed first and  
5 second session identifiers, nor is Aziz’s use of session keys shown to correspond to the  
6 claimed use of the first and second identifiers.

7 In response, the examiner respectfully invites the applicant to consider the  
8 following example. A key may be used to open a door. A door may be used to conceal  
9 an object. An object (i.e. a book) may be placed behind a door so as to be concealed.  
10 Given such, a person may be aware that a plurality of objects are capable of being  
11 concealed behind the door, but is unable to ascertain what object is actually present  
12 since it is hidden from view. Thus, how may that person identify the object behind the  
13 door? That person may utilize the key upon the door so as to reveal the object. In like  
14 manner, an encryption key may be used to open an encryption. An encryption may be  
15 used to conceal a session. A session (i.e. transaction between client A and the server)  
16 may be encrypted so as to be concealed. Given such, an entity may be aware that a  
17 plurality of sessions are capable of being concealed within an encryption, but is unable  
18 to determine which one since it is hidden from view. Thus, how may that entity identify  
19 the particular session within the encryption? Logically, the entity utilizes a key upon the  
20 encryption so as to reveal the session.

21 The above example is demonstrated in the reference of Aziz. Here, in fig. 3, Aziz  
22 shows that a plurality of clients may establish sessions with a single server. Therefore,

1 it is evident that the server is receiving a plurality of communications representing a  
2 plurality of sessions (Aziz, col. 6, lines 45-57). All communication is encrypted, thus  
3 every session is encrypted. Yet, Aziz teaches that each session is distinguished from  
4 the others. Each session is uniquely distinguished by a session key, and thus, a  
5 corresponding session encryption (Aziz, col. 2, 23-26, 42-48). A determination by both  
6 the client and server has been made to understand the unique session keys and unique  
7 corresponding encryptions as characterizing the session (Aziz, col. 2, 49-56). As such,  
8 these identifying features uniquely characterize each session apart from the others, and  
9 can therefore be called session identifiers.

10 Further regarding applicant's argument (I), the applicant alleges, *"However, even*  
11 *if Aziz's session key are assumed to corresponded to the claimed first and second*  
12 *identifiers, Aziz does not teach transmitting the second session identifiers. The cited*  
13 *portions of Aziz apparently teach that in initiating a session resumption, a client may*  
14 *identify itself to the server and indicate that it will continue to use the agreed upon keys*  
15 *from the previous handshaking. Thus, there is apparent need for, or teaching of*  
16 *retransmission of a session key from the client to the server"* (Applicant's Remarks,  
17 6/17/05, page 2).

18 In response to applicant's argument that the references fail to show certain  
19 features of applicant's invention, it is noted that the features upon which applicant relies  
20 (i.e., "retransmission of a session key from the client to the server") are not recited in the  
21 rejected claim(s). Although the claims are interpreted in light of the specification,

1 limitations from the specification are not read into the claims. See *In re Van Geuns*, 988  
2 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3 Further in response to the applicants above argument, Aziz does in fact disclose,  
4 that subsequent session communications to the application program include the  
5 transmissions of session messages, characterized by their unique encryptions ("second  
6 session identifiers"), as well as unique session keys ("second session identifiers")(Aziz,  
7 col. 2, 49-56; col. 8, lines 28-32).

8  
9 Regarding applicant's argument (II), the applicant alleges, "*Among other limitations*  
10 *claim 6 includes limitations of receiving checkout requests from the wireless*  
11 *communication devices at the gateway module and transferring the checkout requests*  
12 *to a wallet module that manages user authentication. The Office Action cites Sparks'*  
13 *col. 2, 1. 36-49. However, there is no apparent element in this portion of Sparks that*  
14 *corresponds to the gateway module at which checkout requests are received. Nor is*  
15 *there any apparent element that corresponds to the claimed wallet module to which the*  
16 *checkout requests are sent"* (Applicant's Remarks, 6/17/05, page 3).

17 In response to applicant's arguments against the references individually, one  
18 cannot show nonobviousness by attacking references individually where the rejections  
19 are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208  
20 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.  
21 1986). In this case, claims 6 – 9 have been rejected under 35 U.S.C. 103(a) as being  
22 unpatentable over Aziz et al. in view of Sparks et al. As previously shown by the

1 examiner, Aziz demonstrates a system architecture comprising a client, gateway, and  
2 server. This architecture is designed as an improvement to prior art ecommerce  
3 systems. Thus, the obvious incorporation of ecommerce methods of Sparks et al. (i.e.  
4 the transmission of checkout request from a client to a server and the sending of  
5 checkout request to a checkout module) within the facilitating system architecture of  
6 Aziz (wherein communications are transmitted from client-server/server-client via a  
7 gateway) meets the limitations as claimed (Examiner's Office Action, 3/15/05, pages 4-  
8 7).

11 ***Conclusion***

13 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time  
14 policy as set forth in 37 CFR 1.136(a).

15 A shortened statutory period for reply to this final action is set to expire THREE  
16 MONTHS (not less than 90 days) from the mailing date of this action. In the event a  
17 first reply is filed within TWO MONTHS (not less than 60 days) of the mailing date of  
18 this final action and the advisory action is not mailed until after the end of the THREE-  
19 MONTH shortened statutory period, then the shortened statutory period will expire on  
20 the date the advisory action is mailed, and any extension fee pursuant to 37  
21 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no

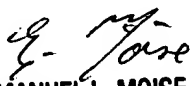
event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffery Williams  
AU: 2137  
9/6/05

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER

